

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE



Post-hearing Questions For

Michael Casey

upon his nomination to be

Director of the National Counterintelligence and Security Center

in the Office of the Director of National Intelligence

QUESTIONS FOR THE RECORD

From Vice Chairman Rubio

National Counterintelligence and Security Center (NCSC) Mission

1. This Committee's Audits and Projects team conducted an 18-month investigation of NCSC's functions and capabilities. In 2022, our Committee held an open hearing to build on this investigation and better establish NCSC's counterintelligence (CI) role and contributions within the Intelligence Community. Our Committee-passed Intelligence Authorization Act for Fiscal Year 2024 codifies the NCSC's mission as one that "shall include organizing and leading strategic planning for counterintelligence activities of the United States Government by integrating instruments of national power as needed to counter foreign intelligence activities."

Would corresponding statutory definitions for "offensive counterintelligence" and "strategic counterintelligence" further clarify roles and responsibilities within the counterintelligence enterprise? Why or why not?

During my engagements with NCSC officers, they have expressed appreciation for the Committee's ongoing efforts to codify NCSC's mission. A statutory definition for "strategic counterintelligence" would more clearly delineate and further establish NCSC's role to effectively lead the integration and alignment of national CI mission areas across the US Government. This definition would further enable NCSC to develop and lead strategic CI for the nation, and to guide the conduct of the interagency's strategic CI activities. A definition of "offensive counterintelligence" would likewise have some benefit, as there are seven IC elements with the requisite authorities to conduct offensive CI activities. Although these seven elements and their corresponding offensive CI capabilities are known across the IC, a statutory definition of "offensive CI" would help to further clarify those roles and responsibilities within the entire CI enterprise. It would also help departments and agencies outside the IC to understand the offensive CI capabilities that could be brought to bear in the collective defense of our nation.

2. NCSC and the Federal Bureau of Investigation's (FBI's) Counterintelligence Division have encountered ambiguity and conflicting guidance with regard to CI mission roles and responsibilities.

Which organization do you believe is the interagency lead for Counterintelligence: FBI or NCSC? What is the basis for your position?

Since its creation, NCSC (and ONCIX previously) has provided strategic guidance to the CI Community writ large, knitting together the efforts of CI Community agencies engaged in the full gamut of IC efforts, including collection, analysis, priorities, and resources to accomplish common goals. As I noted, the Federal Bureau of Investigation is a fundamental part of the CI Community and manages numerous CI investigative, analytic, and other resources in the domestic space. The Federal Bureau of Investigation identifies and counters intelligence threats, anchored by law enforcement and other authorities outlined in statute and other policies. In this role, the Federal Bureau of Investigation has always relied upon effective interagency ties and collaboration to accomplish its mission.

If confirmed, how do you plan to work with the FBI's Counterintelligence Division to deconflict roles and responsibilities and to ensure our counterintelligence priorities are met?

If confirmed, I will work closely with the Federal Bureau of Investigation's Counterintelligence Division to ensure counterintelligence priorities are met. The Federal Bureau of Investigation's Counterintelligence program is a fundamental part of the broader CI Community and central to addressing CI threats in CONUS. I will regularly engage with my Federal Bureau of Investigation counterparts, as my predecessors have. I anticipate the Assistant Director of the Federal Bureau of Investigation's Counterintelligence Division will be one of my key interlocutors and among the first calls I make when assessing CI Community resource needs, identifying emerging threats, and responding to policy concerns. I will also commit to continued partnership between NCSC and National Counterintelligence Task Force (NCITF) as NCSC sets strategic plans for CI activities, and NCITF plays an integral role in their implementation. I also commit to participating in government outreach efforts, as appropriate, as NCSC works to raise awareness of foreign intelligence threats. Also, NCSC has several Federal Bureau of Investigation officers on staff, and I will leverage their CI expertise and ability to reach back to the Federal Bureau of Investigation to ensure maximum transparency between our organizations.

China and Counterintelligence Threats

Foreign counterintelligence threats to our nation are only increasing. China is the largest threat we face in this regard and the challenges are wide ranging from supply chains to U.S. technology and intellectual property through its recruitment and academic programs.

1. What are the most critical current counterintelligence threats that China poses, both broadly speaking, and specifically to our supply chain?

Among the wide ranging, persistent, and long-term intelligence threats China poses to U.S. national and economic security, some of the most critical CI threats include the PRC's efforts to collect classified U.S. national security information; to steal intellectual property and proprietary economic information; and to conduct foreign malign influence efforts against the U.S. Specific to China's intelligence threats to our supply chain, the PRC's efforts to dominate global supply chains and gain access to U.S. Government, military, and industry supply chains are especially noteworthy. The PRC's intelligence services collect and exploit any and all information they can gain on U.S. supply chains as the PRC is well-aware of U.S. dependence on global supply chains.

2. If confirmed, what are your plans for improving our government's supply chain risk management?

If confirmed, I will ensure that NCSC continues to support integration of supply chain risk management capabilities and processes into the operations of the Federal Government by sharing threat awareness and best practices. Congress established the DNI's Supply Chain and Counterintelligence Risk Management Task Force, which the DNI named Director NCSC to chair. I plan to lead Task Force interagency members in sharing information about vulnerabilities and risk mitigation to help protect the multifaceted aspects of the U.S. government supply chain.

3. If confirmed, what are your plans for addressing the counterintelligence threats from China and our adversary's ability to steal U.S. technology and intellectual property?

If confirmed, I will continue to lead and integrate the CI community's work to prioritize our response to the intelligence threat from China; raise awareness of the threat to critical technologies and intellectual property; and ensure that all those who might be targets know how to mitigate the threat.

From Senator Lankford

Politicizing Background Investigations

1. This year, the Biden Administration proposed potential revisions to the current SF-86 “Questionnaire for National Security Positions” background investigation form including amending Section 29 “Association Record,” to include affiliation with “domestic violent extremist [*sic*] organizations.” This language is, of course, already covered in the broad “Affiliations” question in Section 29 regarding membership in an “organization dedicated to terrorism” or “dedicated to the use of violence or force to overthrow the U.S. government.”

How can we be sure that expanding this definition will not politicize the issuance of security clearances?

I understand that revisions to the SF-86 are designed to modify information collection to enhance an adjudicative determination. Question 29 focuses on those who engage in unlawful activities designed to either overthrow the U.S. Government or challenge a U.S. authoritative entity through illegal behaviors. It is my understanding that clarifying that this question pertains to terrorism regardless of whether it originates internationally or domestically allows for information collection that may be relevant in rendering a trust determination and that the revision to Question 29 seeks to identify those who engage in illegal activities to better assess the characteristics of a trusted individual to include reliability, judgment, integrity, and conduct, not to identify personal beliefs, political views, or other expressions that – if weighed in making security clearance determinations – could politicize security clearance issuances.